

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

AIKEN DIVISION

Avondale Mills, Inc. and Factory Mutual	)	
Insurance Co.,	)	C/A No. 1:05-2817-MBS
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Norfolk Southern Corporation and	)	
Norfolk Southern Railway Company,	)	
	)	
Defendants.	)	
_____	)	

The court having been advised that the above action has been settled,

**IT IS ORDERED** that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within sixty (60) days, either party may petition the court to reopen this action and restore it to the calendar. Rule 60(b)(6), Fed. R. Civ. P. In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4<sup>th</sup> Cir. 1978).

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

April 7, 2008

Columbia, South Carolina